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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,695	01/27/2005	Frank Mack	10191/3739	1887

26646 7590 10/26/2005

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NEW YORK, NY 10004

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/522,695

Applicant(s)

MACK ET AL.

Examiner

Rodney B. White

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 1/27/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoos et al (U.S. Patent No. 5,618,056).

Schoos et al teaches a child seat having radio-based identification, the child seat comprising at least one radio-identification chip configured as a transmitter module and situated in the child seat, the at least one radio-identification chip having a specific identifier for transmission via a radio signal, wherein the at least one radio-identification chip is woven into fabrics used for the child seat (See Abstract and column 4, lines 39-67, column 5, lines 1-67, and column 6, lines 1-35)

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Meister et al (U.S. Patent No. 5,678,854).

Meister et al teaches a child seat having radio-based identification, the child seat comprising at least one radio-identification chip configured as a transmitter module and situated in the child seat, the at least one radio-identification chip having a specific

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identifier for transmission via a radio signal, wherein the at least one radio-identification chip is woven into fabrics used for the child seat (See Figures and Specification)

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gimbel et al (U.S. Patent No. 5,468,014).

Gimbel et al teaches a child seat having radio-based identification, the child seat comprising at least one radio-identification chip configured as a transmitter module and situated in the child seat, the at least one radio-identification chip having a specific identifier for transmission via a radio signal, wherein the at least one radio-identification chip is woven into fabrics used for the child seat (See Figures and specification)

Claims 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoos et al (U.S. Patent No. 5,851,026).

Schoos et al teaches a child seat having radio-based identification, the child seat comprising at least one radio-identification chip configured as a transmitter module and situated in the child seat, the at least one radio-identification chip having a specific identifier for transmission via a radio signal, wherein the at least one radio-identification chip is woven into fabrics used for the child seat (See Abstract and column 4, lines 24-67, column 5, lines 1-19, column 6, lines 1-67, column 7, lines 1-67, column 8, lines 1-54, and column 9, lines 1-24)

Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Wanami et al (U.S. Patent No. 6,831,565 B2).

Wanami et al teaches a child seat having radio-based identification, the child seat comprising at least one radio-identification chip configured as a transmitter module and situated in the child seat, the at least one radio-identification chip having a specific identifier for transmission via a radio signal, wherein the at least one radio-identification chip is woven into fabrics used for the child seat (See column 1, lines 62-67, column 2, lines 1-67, and column 6, lines 1-35).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schoos et al (U.S. Patent Nos. 5,618,056 and 5,851,026).

Schoos et al teach the obvious use of the structures as claimed. (See specification of both patents)

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gimbel et al (U.S. Patent No. 5,468,014).

Gimbel et al teach the obvious use of the structures as claimed. (See Column 2, lines 12-20)

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meister et al (U.S. Patent No. 5,678,854).

Meister et al teach the obvious use of the structures as claimed. (See Column 2, lines 21-40)

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wanami et al (U.S. Patent No. 6,831,565 B2).

Wanami et al teach the obvious use of the structures as claimed. (See Column 2, lines 12-20).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alexy (U.S. Patent Application Publication No. 2003/0189365 A1 and U.S. Patent No, 6,715,830 B2) teaches a child seat having radio-based identification (See paragraph [0036] of the Publication and column 7, lines 62-67) but has an insufficient date. Abe et al, Sankrith et al, Young, Takada, Emery et al, Goor, Nienow, Barnes, Cunningham, Munro, Baloga et al, Ito, Yoshida et al, Zakovic et al, Yamazaki et al, Yoshida et al, Eros, et al, Dolan et al, Evans, Gray et al, Burley et al,

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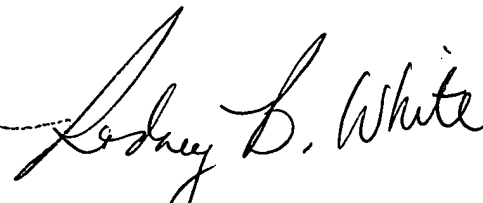
and Biaud, teach child seats that use sensors in various forms for protecting the child occupying the seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
October 23, 2005



RODNEY B. WHITE  
PRIMARY EXAMINER